

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Witold Jachym,

Plaintiff,

v.

Carson Smithfield, LLC  
c/o CT Corporation System  
208 S. LaSalle Street, Suite 814  
Chicago, IL 60604,

Defendant.

Case No.

**COMPLAINT**

**Jury Demand Requested**

---

**JURISDICTION AND VENUE**

- 1- This court has jurisdiction pursuant to 28 U.S.C. §1331 and 15 U.S.C. §1692k(d).
- 2- Venue is proper because a substantial part of the events giving rise to this claim occurred in this District.

**PARTIES**

- 3- Plaintiff is a resident of the State of Illinois.
- 4- Plaintiff incurred an obligation to pay money, the primary purpose of which was for personal, family, or household uses (the "Debt").
- 5- Defendant is with its principal place of business in the State of New York.
- 6- Defendant uses instruments of interstate commerce for its principal purpose of business, which is the collection of debts.
- 7- Defendant regularly attempts to collect, or attempts to collect, debts owed or due another.
- 8- At all times relevant, Defendant owned the Debt or was retained to collect the Debt.

**FACTS COMMON TO ALL COUNTS**

- 9- Prior to March 11, 2016, Plaintiff incurred a debt with Nationwide Bank (the "Debt").
- 10- Prior March 11, 2016, Plaintiff defaulted on the Debt.
- 11- On March 11, 2016, Plaintiff filed a bankruptcy petition that included the Debt.
- 12- Upon information and belief, after March 11, 2016, Defendant received the Debt for collection.
- 13- On June 7, 2016, Plaintiff received a discharge that included the Debt.
- 14- Despite the petition and the discharge, on or around January 10, 2018, Defendant sent Plaintiff a letter to collect the Debt.
- 15- In the Letter, Defendant misrepresented the amount and status of the Debt.
- 16- Defendant damaged Plaintiff.
- 17- Defendant violated the FDCPA.

**COUNT I**

- 18- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.
- 19- Defendant violated 15 USC § 1692e(2) by attempting to collect a debt that Defendant knew, or should have known, was included in Plaintiff's bankruptcy, thereby misrepresenting the legal status of the debt

**COUNT II**

- 20- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.
- 21- Defendant violated 15 USC § 1692e(10) by falsely representing to Plaintiff that it could collect a debt that Defendant knew, or should have known, was included in Plaintiff's bankruptcy.

**COUNT III**

22- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

23- Defendant violated 15 USC § 1692f by unfairly and unconscionably trying to collect a debt that Defendant knew, or should have known, was included in Plaintiff's bankruptcy.

**JURY DEMAND**

24- Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

25- Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages, as determined at trial, suffered as a direct and proximate result Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(2)(A);
- c. Judgment against Defendant for Plaintiff's reasonable attorney's fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3); and
- d. Any other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Meier LLC

By: /s/ Richard J. Meier

Richard J. Meier

401 N. Michigan Ave, Suite 1200

Chicago, IL 60611

Tel: 312-242-1849

Fax: 312-242-1841

richard@meierllc.com

*Attorney for Plaintiff*